

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:19-cv-157-D

DIJON SHARPE,)	
)	
Plaintiff,)	
)	
v.)	
)	
TOWN OF WINTERVILLE POLICE)	
DEPARTMENT, Officer WILLIAM)	
BLAKE ELLIS, in his official)	
capacity only, and Officer MYERS)	
PARKER HELMS IV, both)	
individually and in his official)	
capacity,)	
)	
Defendants.)	

**MOTION TO CONTINUE
HEARING ON PARTIAL
MOTION TO DISMISS**

Defendants TOWN OF WINTERVILLE POLICE DEPARTMENT, OFFICER WILLIAM BLAKE ELLIS, and OFFICER MYERS PARKER HELMS IV (*hereinafter*, “Defendants”), pursuant to Local Civil Rules 6.1 and 7.1(j) and through undersigned counsel, hereby move to continue the hearing scheduled in the above-captioned case for July 9, 2020. In support, Defendants submit unto the Court as follows:

1. Defendants filed a Partial Motion to Dismiss on February 3, 2020, which was briefed by counsel for both parties and submitted to the Court for consideration on March 10, 2020. (*See* Dkt. Text. Mar. 10, 2020).

2. On July 2, 2020, the Court entered an order setting the motion for hearing on July 9, 2020 at 10:00 am. (DE 25).

3. Counsel for Defendants has a pre-existing conflict with the hearing setting: a court-ordered mediation in a suit pending in New Hanover County Superior Court, *Stier Construction Co., Inc. et al. v. Town of Carolina Beach*, Civil Action No. 19-CVS-2999. This scheduled mediation also begins at 10:00 a.m. on July 9, 2020. Correspondence from the mediator confirming the mediation date and time is attached as Exhibit A.

4. Counsel for Defendants consulted with counsel for Plaintiff regarding Plaintiff's position on this motion, and Plaintiff does not object.

5. Counsel for Defendants conferred with counsel for Plaintiff regarding his availability for the following week, July 13-17, 2020. Counsel for Plaintiff and counsel for Defendants are available after 2 pm on July 13 and 14 and all day on July 15, 16, and 17.

6. This motion to continue is sought in good faith and not for the purposes of delay.

7. Due to the short time period remaining before July 6, 2020, Defendants will request expedited consideration of this motion.

For the above-stated reasons, Defendants respectfully request that the Court continue the hearing set for Thursday, July 9 at 10:00 am, to be rescheduled for a date convenient to the Court.

Respectfully submitted, this the 6th day of July, 2020.

/s/ Katherine Barber-Jones

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification to all registered CM/ECF participants.

This the 6th day of July, 2020.

/s/ Katherine M. Barber-Jones

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